

**REMARKS**

Claims 1-46 were pending in the Office Action. Upon entry of the present amendment, these claims remain pending, and new claims 47-48 are added.

The pending claims were rejected in the Office Action as follows:

claims 1-3, 5, 7, 26-27, 29-31, 33-35, 38 and 45 stand rejected under 35 U.S.C. 102(b) as being anticipated by Takemura (JP 11088672)<sup>1</sup>;

claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Takemura and Abecassis (U.S. Patent No. 6,504,990);

claims 6, 8-11, 20-25 and 42-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Takemura and Windle (U.S. Patent No. 6,606,117);

claims 12-16 and 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of Takemura, Windle and Hollenberg (U.S. Patent No. 6,091,956);

claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged four-way combination of Takemura, Windle, Hollenberg and Delorme et al. (U.S. Patent No. 6,321,158);

claim 28 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Takemura and Safai et al. (U.S. Patent No. 6,167,469);

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<sup>1</sup> Applicants have not been provided with an English language translation of this reference. Applicants had provided an English language Abstract with the IDS of Nov. 2, 2004, but the Office Action appears to be citing from a translation of the body of the specification. Applicants request, pursuant to MPEP 707.05(a), that a subsequent communication from the PTO include a copy of this English language translation. The discussion herein relies on what appears to be a translation found in the corresponding U.S. patent to Takemura, U.S. Patent No. 6,657,658.

claim 32 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Takemura and Rhoades (U.S. Patent No. 6,026,193);

claims 36-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Takemura and Bunte et al. (U.S. Patent No. 5,821,523); and

claims 39-41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Takemura and Hollenberg.

**Independent Claim 1 and Dependent Claims 2-40 and 47-48**

Amended independent claim 1 recites “receiving image data associated with the image and additional associated information at a user equipment of a first user from a device of a second user over a data communication system.” The claim also recites “generating a visual effect ... based on said additional information associated with the image,” and two occurrences of displaying: “displaying, after said receiving and generating, a version of said image with said visual effect on a display of the user equipment” and “displaying, after said receiving and generating, the image without said visual effect on the display.”

Takemura fails to teach or suggest such a method. The Office Action alleges that the two occurrences of “displaying” are shown by the Takemura Display/Confirmation Means 102, one “displaying” allegedly occurring before the user has actually taken the picture (e.g., the user lining up a picture to take), and a second occurring after the user has taken the picture and adjusted the settings (e.g., the “black-and-white” or “red-eye correction” finishes described at col. 8, lines 13-16).

In those Takemura steps, the image data is neither taught nor suggested to be received from a device of a second user. Instead, the image data is generated by the Image Taking Means 101 within the camera 1. Accordingly, Takemura fails to teach or suggest the method of amended claim 1, which includes “receiving image data associated with the image and additional associated information at a user equipment of a first user from a device of a second user over a data communication system.”

Takemura does, however, describe transmitting the image data and finish information to laboratory system 2 for development. See, e.g., col. 9, lines 13-21. There is no teaching or suggestion, however, of the laboratory system 2 performing the recited occurrences of “displaying.” Additionally, the Office Action also refers to a “moving visual effect,” but offers no detail regarding what this alleged “effect” is, or where it is allegedly shown in Takemura. If a subsequent Office Action is to maintain this reference, Applicants request clarification as to what the “moving effect” is and how Takemura allegedly shows the claimed “displaying.”

None of the other applied references would properly modify Takemura to overcome these deficiencies. Accordingly, amended independent claim 1 is in condition for allowance. Claims 2-40 depend from claim 1, and are allowable for at least the same reasons as claim 1, and further in view of the features recited therein. For example, amended claim 2 recites “wherein said version of the image associated with the visual effect is presented before said step of displaying the image without said visual effect.” In rejecting this claim, the Office Action makes inconsistent allegations regarding where the claimed occurrences of “displaying” are allegedly taught in Takemura. In rejecting claim 1, the Office Action alleges that the two occurrences of “displaying” are shown at the

digital camera 1 before and after the user takes the picture, but in rejecting claim 2, the Office Action alleges that one of the occurrences occurs at the laboratory 2. Takemura fails to teach or suggest the method of claims 1 and 2. Even if the laboratory 2 were alleged to be the “user equipment,” there is no teaching or suggestion of displaying the image without said visual effect at the laboratory 2.

As another example, claim 3 recites “the presentation of said visual effect is started before all image data that associates with the image has been received in its entirety from the data communication system.” The Office Action alleges that Takemura shows visible moving image data, but no citation of where Takemura actually shows such moving image data, and Applicants submit that Takemura fails to teach the claim 3 presentation.

As another example, claim 7 recites “wherein the visual effect visualizes the age of the image.” The Office Action continues to cite the “setting sun finish” and “snow finish” from the Takemura reference. Those finishes from Takemura refer to the “color and brightness” numerical settings that the laboratory 2 will use to develop the picture. Col. 8, lines 19-22. Those numerical settings control the amount of brightness, or the RGB color balance, for developing the picture (col. 8, lines 5-15), and do not “visualize the age of the image,” as recited in claim 7.

As another example, claim 11 recites “wherein the visual effect visualizes relative location between the source of the image and the user equipment.” The Office Action concedes that Takemura fails to teach or suggest such a feature, but alleges that a combination with Windle would overcome this deficiency. In the cited portions, Windle describes a “checklist” that can guide a user through the process of photographing a

wedding. Col. 9, lines 17-37. As noted therein, the Windle camera displays a menu that suggests what poses should be used, how much zoom to use, whether the user is zooming too quickly, etc., but all of those teachings occur at the digital camera itself. There is no teaching or suggestion of receiving the data at “user equipment of a first user from a device of a second user over a data communication system,” as recited in base claim 1, and of the visualizing of “relative location between the source of the image and the user equipment” recited in claim 11.

As another example, claim 20 recites “wherein the visual effect comprises moving a version of the image on the display so that the image appears at different locations on the display.” The Office Action cites Windle for a “moving version of the image,” but the cited portions simply refer to video cameras and video clips employing the “checklist” feature noted above (e.g., reminding a user of the preferred sights in North Africa when the user is on a trip to the area – col. 8, lines 57-58). There is no teaching or suggestion that these video clips are moved “so that the image appears at different locations on the display.”

As another example, claim 23 recites “wherein the visual effect visualizes an audio effect associated with the image.” The Office Action relies on Windle for this feature, noting that Windle states that its virtual photo albums may include music. Windle, col. 12, line 30. There is no teaching or suggestion of visualizing the audio effect, as recited.

As another example, claim 36 recites “wherein the presentation of the visual effect comprises provision of a shaking or vibrating version of the image.” The Office Action concedes that Takemura fails to teach or suggest such a feature, but cites Bunte et

al. in combination to address this deficiency. Bunte et al. relates to photography, and in the cited portion, Bunte et al. notes that one defect in prior photographic techniques occurs when the photographer's hand shakes while taking the picture. Bunte et al., col. 2, lines 13-14. The Office Action offers no reason why anyone of ordinary skill in the art would seek to intentionally add this Bunte et al. defect to the Takemura camera settings as a feature (the settings are cited as allegedly showing the claimed visual effect). Bunte et al. seeks to avoid this defect, and Takemura certainly offers no teaching or suggestion that adding shaking or vibration would be desired. The combination is improper for lack of motivation, and Applicants submit that the combination should be reconsidered and withdrawn.

As additional examples, claim 47 recites a predetermined sequence, and claim 48 recites the predetermined sequence conveying a message and has meaning that is associated with a context of said image. None of the applied references teaches or suggests a modification to Takemura that would include such features.

For at least the reasons set forth above, Applicants submit that pending claims 1-40 and 47-48 are distinguishable over the applied references, and are in condition for allowance.

#### **Independent Claim 41**

Amended independent claim 41 recites, among other features, "receiving image data associated with the image and additional information from a data communication system, said image data and additional information being transmitted over a wireless interface between the mobile station and the data communication system; ... displaying, after said receiving and generating, a version of the image with said visual effect on the

mobile station display; and displaying, after said receiving and generating, the image without said visual effect on the mobile station display.”

The Office Action relies on Takemura for most of these claimed features, but relies on Hollenberg for the use of wireless transmission. Even if combined, the result would not yield the claim 41 method. For example, Hollenberg refers to a wireless transceiver used to communicate with the digital camera. Hollenberg, col. 9, lines 36-39. If applied to Takemura, the wireless transceiver would be used to communicate with Takemura digital camera 1. As shown in Takemura Fig. 6, this would mean a wireless communication between the camera 1 and the laboratory 2. However, the recited “displaying” does not occur after this communication at the laboratory 2. There is no teaching or suggestion that the Takemura laboratory 2 will display the version of the image with the visual effect and the image without the visual effect on the mobile display, as recited. Instead, the laboratory 2 simply develops the image using the finish information already supplied by the camera 1.

#### **Independent Claim 42 and Dependent Claims 43-44**

Amended independent claim 42 recites, among other features, “a processor configured to generate a visual effect based on said additional information associated with the image and control display of the image and a version of the image comprising the visual effect on the display wherein said image and version of the image comprising the visual effect are displayed, after the receiver receives the image data and associated information, in a predetermined sequence to convey a meaning associated with a context of the image.”

The Office Action relies on the Takemura finish settings as the claimed visual effect. Those settings refer to the numerical values set for brightness and color (col. 8, lines 10-22), but there is no teaching or suggestion that the image and version of the image comprising the visual effect are displayed in a predetermined sequence to convey a meaning associated with a context of the image, as recited in amended claim 42. Instead, the Takemura finish settings are simply technical camera settings that, according to Takemura, a novice photographer might not be able to configure.

None of the other applied references teaches or suggests a modification to Takemura that would overcome this deficiency, and accordingly, amended independent claim 42 is believed to be in condition for allowance. Claims 43 and 44 depend from claim 42, and are allowable for at least the same reasons as claim 42, and further in view of the features recited therein.

#### **Independent Claim 45**

Independent claim 45 recites two pieces of user equipment. The Office Action alleges that Takemura shows these two pieces of user equipment as the digital camera 1 and the laboratory 2. There is no teaching or suggestion, however, of the Takemura laboratory 2 “being also adapted to display an altered version of the image, wherein the altered version comprises a visual effect generated based on said additional information associated with the image.”

The Office Action contends that Takemura “further teaches setting of the finish information or position information and confirmation of the image are performed on the monitor; hence, eh laso teaches to present the alter version and the limitation of the alter version as claimed” (Office Action, p. 6), but there is no teaching or suggestion in

Takemura that the finish settings are performed at the laboratory 2 (the basis for the Office Action alleging that the altered version is displayed at the laboratory). Instead, Takemura's camera 1 contains the Finish Setting Means 103. There is no teaching or suggestion of "the second user equipment being also adapted to display an altered version of the image, wherein the altered version comprises a visual effect generated based on said additional information associated with the image," as recited.

**Independent Claim 46**

Amended independent claim 46 recites, among other features, "sending image data associated with the image and additional information associated with the content of the image from said first party to user equipment of second party via a data communication system" and "displaying, after the sending and generating, said visual effect on a display of the user equipment" and "displaying, after the sending and generating, the image on the display without the visual effect." The Office Action relies on the same application of Takemura to reject claim 46 as being anticipated.

The Takemura camera 1 does not perform these two recited "displaying" features. For example, the alleged "before setting" and "after setting" displays cited in the Office Action both occur at the digital camera 1, and there is no teaching or suggestion that the camera 1 is a "user equipment of a second party" as recited. Instead, the Takemura picture originates with the camera 1, and the alleged "displaying" does not occur after the alleged "sending." None of the other references of record teaches or suggests a modification to Takemura that would overcome this deficiency, and accordingly, claim 46 is believed to be in condition for allowance.

**Conclusion**

For at least the foregoing reasons, the pending claims are believed to distinguish over the applied references. If, however, the Examiner feels that additional discussion and/or amendment would be helpful, the Examiner is invited to telephone the Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

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